

## Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field  | Entered  |
|--|--|
| <b>SERIAL NUMBER</b>   | 86807098   |
| <b>LAW OFFICE ASSIGNED</b>   | LAW OFFICE 118   |
| <b>MARK SECTION</b>  |  |
| <b>MARK FILE NAME</b>  | https://tmng-al.uspto.gov/resting2/api/img/86807098/large  |
| <b>LITERAL ELEMENT</b>   | REALIZE IT   |
| <b>STANDARD CHARACTERS</b>   | NO   |
| <b>USPTO-GENERATED IMAGE</b>   | NO   |
| <b>COLOR(S) CLAIMED<br/>(If applicable)</b>  | The color(s) blue and white is/are claimed as a feature of the mark.   |
| <b>DESCRIPTION OF THE MARK<br/>(and Color Location, if applicable)</b>   | The mark consists of the word "realize" in blue color and the word "it" in white color inside a blue quadrilateral figure.   |
| <b>GOODS AND/OR SERVICES SECTION (009)(current)</b>  |  |
| <b>INTERNATIONAL CLASS</b>   | 009  |
| <b>DESCRIPTION</b>   |  |
| Computer software for use in intelligent adaptive learning, curriculum map authoring, content authoring, intelligent adaptive engine and data analytics engine |  |
| <b>FIRST USE ANYWHERE DATE</b>   | At least as early as 10/20/2013  |
| <b>FIRST USE IN COMMERCE DATE</b>  | At least as early as 10/20/2013  |
| <b>FILING BASIS</b>  | Section 1(b)   |
| <b>GOODS AND/OR SERVICES SECTION (009)(proposed)</b>   |  |
| <b>INTERNATIONAL CLASS</b>   | 009  |
| <b>DESCRIPTION</b>   |  |
| Computer software for use in intelligent adaptive learning, curriculum map authoring, content authoring, intelligent adaptive engine and data analytics engine |  |
| <b>FIRST USE ANYWHERE DATE</b>   | At least as early as 10/20/2013  |
| <b>FIRST USE IN COMMERCE DATE</b>  | At least as early as 10/20/2013  |
| <b>STATEMENT TYPE</b>  | <b>"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"</b> [for an application based on Section 1(a), Use in Commerce] <b>OR</b> <b>"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"</b> [for an application based on Section 1(b) Intent-to-Use]. <b>OR</b> <b>"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"</b> [for an illegible specimen]. |
| <b>SPECIMEN</b>  | <a href="#">\\TICRS\EXPORT17\IMAGEOUT 17\868\070\86807098\xml10\RFR0002.JPG</a>  |

|  |  |
|--|--|
| FILE NAME(S)   |  |
| SPECIMEN DESCRIPTION   | scanned copy of a photograph of the mark appearing on a disc for the Class 009 software  |
| DELETED FILING BASIS   | 1(b)   |
| <b>GOODS AND/OR SERVICES SECTION (042)(current)</b>                                    |  |
| INTERNATIONAL CLASS  | 042  |
| DESCRIPTION  |  |
| Providing a website featuring a search engine for intelligent adaptive learning system |  |
| FIRST USE ANYWHERE DATE  | At least as early as 10/20/2013  |
| FIRST USE IN COMMERCE DATE   | At least as early as 10/20/2013  |
| FILING BASIS   | Section 1(b)   |
| <b>GOODS AND/OR SERVICES SECTION (042)(proposed)</b>                                   |  |
| INTERNATIONAL CLASS  | 042  |
| DESCRIPTION  |  |
| Providing a website featuring a search engine for intelligent adaptive learning system |  |
| FIRST USE ANYWHERE DATE  | At least as early as 10/20/2013  |
| FIRST USE IN COMMERCE DATE   | At least as early as 10/20/2013  |
| STATEMENT TYPE   | <b>"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"</b> [for an application based on Section 1(a), Use in Commerce] OR <b>"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"</b> [for an application based on Section 1(b) Intent-to-Use]. OR <b>"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"</b> [for an illegible specimen]. |
| SPECIMEN FILE NAME(S)  | <a href="\\TICRS\EXPORT17\IMAGEOUT 17\868\070\86807098\xml10 \RFR0003.JPG">\\TICRS\EXPORT17\IMAGEOUT 17\868\070\86807098\xml10 \RFR0003.JPG</a>  |
|  | <a href="\\TICRS\EXPORT17\IMAGEOUT 17\868\070\86807098\xml10 \RFR0004.JPG">\\TICRS\EXPORT17\IMAGEOUT 17\868\070\86807098\xml10 \RFR0004.JPG</a>  |
|  | <a href="\\TICRS\EXPORT17\IMAGEOUT 17\868\070\86807098\xml10 \RFR0005.JPG">\\TICRS\EXPORT17\IMAGEOUT 17\868\070\86807098\xml10 \RFR0005.JPG</a>  |
| SPECIMEN DESCRIPTION   | scanned copies of three images for the Class 042 services. The first image is the search engine login page, the second image is the query line for executing searches on the engine and the third image is content from the search. This format of specimen was discussed with manager Golden.   |
| DELETED FILING BASIS   | 1(b)   |
| <b>ADDITIONAL STATEMENTS SECTION</b>   |  |
| MISCELLANEOUS STATEMENT  | The examining attorney has made the requirement to submit specimens for Classes 9 and 42 final. Applicant hereby submits substitute specimens for both classes which were in use in commerce at least as early as November 30, 2016 supported by a declaration. Applicant's Attorney left detailed voice mail messages for manager Baird and manager Golden along with an e-mail on August 27th. Mr. Golden returned the phone call that day and the specimen issue was discussed. Applicant respectfully requests that the Statement of use be accepted and the application proceed to registration based on Section 1(a) use basis only.   |
| <b>SIGNATURE SECTION</b>   |  |
| DECLARATION SIGNATURE  | /jas/  |

|                                   |  |
|-----------------------------------|--|
| SIGNATORY'S NAME                  | Jeffrey A. Smith   |
| SIGNATORY'S POSITION              | Applicant's Attorney   |
| SIGNATORY'S PHONE NUMBER          | 7034655355   |
| DATE SIGNED                       | 08/28/2018   |
| RESPONSE SIGNATURE                | /jas/  |
| SIGNATORY'S NAME                  | Jeffrey A. Smith   |
| SIGNATORY'S POSITION              | Applicant's Attorney   |
| SIGNATORY'S PHONE NUMBER          | 7034655355   |
| DATE SIGNED                       | 08/28/2018   |
| AUTHORIZED SIGNATORY              | YES  |
| CONCURRENT APPEAL NOTICE FILED    | NO   |
| <b>FILING INFORMATION SECTION</b> |  |
| SUBMIT DATE                       | Tue Aug 28 19:43:37 EDT 2018   |
| TEAS STAMP                        | USPTO/RFR-XXX.XXX.XXX.XX-<br>20180828194337634578-8680<br>7098-610f62ca67a38713dce3<br>9ab1b19623c77eba5711419d4<br>caa6094b726c018d8ec19-N/A<br>-N/A-20180828193717463844 |

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
PTO Form 1960 (Rev 10/2011)  
OMB No. 0651-0050 (Exp 09/20/2020)

## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. **86807098** REALIZE IT (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/86807098/large>) has been amended as follows:

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

##### Applicant proposes to amend the following class of goods/services in the application:

**Current:** Class 009 for Computer software for use in intelligent adaptive learning, curriculum map authoring, content authoring, intelligent adaptive engine and data analytics engine

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 009, the mark was first used at least as early as 10/20/2013 and first used in commerce at least as early as 10/20/2013 .

**Proposed:** Class 009 for Computer software for use in intelligent adaptive learning, curriculum map authoring, content authoring, intelligent adaptive engine and data analytics engine

Deleted Filing Basis: 1(b)

In International Class 009, the mark was first used at least as early as 10/20/2013 . and first used in commerce at least as early as 10/20/2013 .

Applicant hereby submits one(or more) specimen(s) for Class 009 . The specimen(s) submitted consists of scanned copy of a photograph of the mark appearing on a disc for the Class 009 software .

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"** [for an application based on Section 1(a), Use in Commerce] OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen]. [Specimen File1](#)

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for Providing a website featuring a search engine for intelligent adaptive learning system

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 042, the mark was first used at least as early as 10/20/2013 and first used in commerce at least as early as 10/20/2013 .

**Proposed:** Class 042 for Providing a website featuring a search engine for intelligent adaptive learning system

Deleted Filing Basis: 1(b)

In International Class 042, the mark was first used at least as early as 10/20/2013 . and first used in commerce at least as early as 10/20/2013 .

Applicant hereby submits one(or more) specimen(s) for Class 042 . The specimen(s) submitted consists of scanned copies of three images for the Class 042 services. The first image is the search engine login page, the second image is the query line for executing searches on the engine and the third image is content from the search. This format of specimen was discussed with manager Golden. .

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"** [for an application based on Section 1(a), Use in Commerce] OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen]. [Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

## ADDITIONAL STATEMENTS

### Miscellaneous Statement

The examining attorney has made the requirement to submit specimens for Classes 9 and 42 final. Applicant hereby submits substitute specimens for both classes which were in use in commerce at least as early as November 30, 2016 supported by a declaration. Applicant's Attorney left detailed voice mail messages for manager Baird and manager Golden along with an e-mail on August 27th. Mr. Golden returned the phone call that day and the specimen issue was discussed. Applicant respectfully requests that the Statement of use be accepted and the application proceed to registration based on Section 1(a) use basis only.

## SIGNATURE(S)

### Declaration Signature

**DECLARATION:** The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the

application or AOU and this submission made on information and belief are believed to be true.

**STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU:** If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

**STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a) COLLECTIVE/CERTIFICATION MARK APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; **for a collective trademark, collective service mark, collective membership mark, or certification mark application**, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; **for a certification mark application**, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /jas/ Date: 08/28/2018  
Signatory's Name: Jeffrey A. Smith  
Signatory's Position: Applicant's Attorney  
Signatory's Phone Number: 7034655355

**Request for Reconsideration Signature**

Signature: /jas/ Date: 08/28/2018  
Signatory's Name: Jeffrey A. Smith  
Signatory's Position: Applicant's Attorney

Signatory's Phone Number: 7034655355

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86807098  
Internet Transmission Date: Tue Aug 28 19:43:37 EDT 2018  
TEAS Stamp: USPTO/RFR-XXX.XXX.XXX.XX-201808281943376  
34578-86807098-610f62ca67a38713dce39ab1b

19623c77eba5711419d4caa6094b726c018d8ec1  
9-N/A-N/A-20180828193717463844





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Unable to find anything in the knowledge space for the term "a". Maybe you could try a different word or phrase?

**Tip:** 

*Type something that you want to learn, or press Anything to pick something at random!*



realizeit

Roles / Courses / Business Economics / Market Forces / Learning map / Introduction to Economics

## Introduction to Economics

Smarterthinking Next Activity

Main Details History Questions Submissions Extra

Actions

Revise

- Practice
- Quick practice
- View content

Your estimated level